

REMARKS

Claims 1-9 have been examined. Claims 1, 3, 5, 6 and 9 have been rejected under the doctrine of Obviousness-type Double Patenting, claims 1, 2 and 4 have been rejected under 35 U.S.C. § 102(b), and claims 3 and 5-9 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has not acknowledged the drawings filed on February 13, 2001. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether such drawings are acceptable.

Also, Applicant has amended the specification to correct a minor error.

II. Rejections under Doctrine of Obviousness-type Double Patenting

The Examiner has rejected claims 1, 3, 5, 6 and 9 under the judicially created doctrine of obviousness type double patenting as being unpatentable over at least claims 1, 3, 5, 6 and 8 of U.S. Application No. 09/781,277.

Applicants file herewith a Terminal Disclaimer, thereby overcoming the rejection of claims 1, 3, 5, 6 and 9.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,386,478 to Plunkett ("Plunkett")

The Examiner has rejected claims 1, 2 and 4 under 35 U.S.C. § 102(b) as being anticipated by Plunkett.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a channel-to-channel level adjustor for adjusting levels of audio signals. Claim 1 further recites a channel-to-channel level corrector that corrects an adjusted amount of the channel-to-channel level adjustors, based on detection results of detectors.

The Examiner maintains that Plunkett discloses the above features. In particular, the Examiner refers to the same portion of Plunkett as disclosing both the claimed channel-to-channel level adjustor and the channel-to-channel level corrector (i.e. col. 3, lines 49-52 of Plunkett). However, the claimed “adjustor” and the claimed “corrector” are positively recited as two distinct features, and Applicant submits that Plunkett fails to teach or suggest the claimed corrector. For example, in the cited portion of Plunkett, an acoustic signal is detected by a microphone 36 and analyzed. If there is an “unbalance” found in the analysis, a balance adjustment of the gain controlled amplifiers in the channel control modules 24R and 24L is performed (Applicant notes that the reference incorrectly refers to modules 24R and 24L as 24A and 24B in the cited portion) (col. 3, lines 44-52).

Assuming *arguendo* that the above “balance adjustment” discloses the adjustment of the claimed channel-to-channel level adjustors recited in claim 1 and assuming *arguendo* that the balance adjustment discloses the “adjusted amount” of the adjustors, Plunkett fails to disclose that the balance adjustment is then further “corrected” with a channel-to-channel level correction based on detection results of the microphone 36 (i.e. alleged detector).

In summary, even assuming *arguendo* that the modules 24R and 24L disclose the claimed channel-to-channel level adjustors, Plunkett fails to disclose that the “adjusted amount” (i.e. the balance adjustment) is then further “corrected”, as recited by the claimed channel-to-channel level corrector.

Accordingly, Applicant submits that Plunkett fails to teach or suggest the claimed channel-to-channel level corrector, and respectfully requests the Examiner to reconsider and withdraw the rejection.

In addition, if the rejection is to be maintained, Applicant respectfully requests the Examiner to specifically indicate where Plunkett discloses a channel-to-channel level corrector that corrects an adjusted amount of the channel-to-channel level adjustors, based on the detection results of a detector.

IV. Rejections under 35 U.S.C. § 103(a) in view of Plunkett and U.S. Patent No. 5,581,621 to Koyama et al. (“Koyama”)

Claims 3 and 5-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Plunkett in view of Koyama.

A. Claim 3

Since claim 3 is dependent upon claim 1, and since Koyama fails to cure the deficient teachings of Plunkett in regard to claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

B. Claim 5

Since claim 5 contains features that are analogous to the features recited in claim 1, and since Koyama fails to cure the deficient teachings of Plunkett, in regard to claim 1, Applicant submits that claim 5 is patentable over the cited references for at least analogous reasons as set forth above.

C. Claims 6-9

Since claims 6-9 are dependent upon claim 1 or claim 5, and since Koyama fails to cure the deficient teachings of Plunkett in regard to claims 1 and 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

V. Newly Added Claims

Applicant has added claims 10 and 11 to provide more varied protection for the present invention.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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